

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

United States Courts
Southern District of Texas
FILED

Southern District of Texas

May 29, 2020

United States of America)

v.)

Rhett Dwayne FARRELL)

Case No.

4:20-mj-0955

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Feb. 25, 2020 to March 2, 2020 in the county of Montgomery in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC Sections 841(a)(1) and (b) (1)(B)(vi)&(viii)	Knowingly, intentionally, and unlawfully possess with intent to distribute fentanyl and methamphetamine, Schedule II controlled substances.

This criminal complaint is based on these facts:

See Attachment "A"

 Continued on the attached sheet.

 Complainant's signature

Jason Rogers, DEA Task Force Officer

Printed name and title

Sworn to me telephonically.

Date: 05/29/2020City and state: Houston, Texas

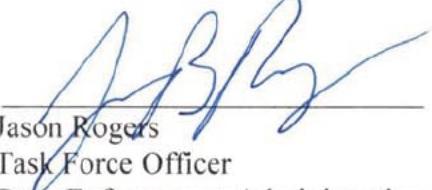
 Peter Bray
 Judge's signature
 Peter Bray, U.S. Magistrate Judge
 Printed name and title

Attachment "A"

Your affiant, DEA Task Force Officer Jason Rogers, being duly sworn, deposes and states the following:

1. On February 25, 2020, R.L. overdosed on narcotics while in his vehicle on State Highway 249 in Montgomery County. Officers with the Montgomery County Sheriff's Office and emergency responders were able to revive R.L with Narcan at the scene and R.L was transported to a hospital. Officers recovered two clear plastic bags on the driver's seat, one of which contained a crystal, rock substance and the second contained a white, powder substance,. Both substances were field-tested and the crystal, rock substance tested positive for methamphetamine and the powder substance tested positive for fentanyl.
2. Investigators later interviewed J.J., an acquaintance of R.L, and J.J. informed officers that R.L received the suspected fentanyl from Rhett FARRELL. J.J. added that she told FARRELL to stop selling drugs to R.L as R.L was sober for over a year and FARRELL was causing R.L to relapse.
3. Investigators also interviewed R.L and learned that R.L had met with FARRELL and purchased what R.L thought to be a half (1/2) gram of heroin and seven (7) grams of methamphetamine from FARRELL. R.L told investigators that he had purchased the narcotics from FARRELL on the morning of February 25, 2020. R.L consented to a search of R.L's text messages between R.L's and FARRELL and the text messages corroborated R.L's statements to investigators.
4. On March 2, 2020, Det. Schutzenhofer and additional personnel conducted a surveillance operation on FARRELL. After following FARRELL for a time, MCSO Specialist (Spec.) R. Vargas conducted a traffic stop in Montgomery County, Texas on the vehicle FARRELL was driving. The traffic stop was for operating a vehicle with an obscured license plate by having more than half the word "Texas" covered, which is a violation of the Texas Transportation Code.
5. Spec. Vargas asked FARRELL for consent to search the vehicle and FARRELL denied consent. A K-9 was called to the scene to conduct a free air sniff search of the vehicle and the K-9 gave a positive alert to the vehicle. Subsequently, officers searched FARRELL's vehicle and discovered drug paraphernalia within the cab of vehicle and a search of the undercarriage of the vehicle resulted in the discovery a "slapper" that was near the rear of the vehicle.
6. A "slapper" is a box used to contain any type of item that is consistent with the size of the "slapper" and the "slapper" has magnets on the box that allow the "slapper" to stick to metal objects. In this instance, the "slapper" was used to conceal contraband from detection. Within the "slapper," Spec. Vargas located five (5) individual bags containing a white, powder like substance and two (2) bags that contained a brown, rocky substance. The substances were field tested and showed a positive test result for methamphetamine, fentanyl and heroin.

7. The methamphetamine weighed approximately nineteen point four (19.4) grams, the fentanyl weighed approximately three point five (3.5) grams and the heroin weighed approximately two point seven (2.7) grams.
8. FARRELL was Mirandized and agreed to provide a statement. FARRELL admitted to knowledge of the drugs that were in the "slapper" and that FARRELL was the one who had written the weights on each bag. FARRELL and a passenger, Christina Douglas, were arrested and booked into the Montgomery County Jail for three (3) counts of Possession of Substance in Penalty Group 1.
9. On March 3, 2020, Det. Schutzenhofer conducted an interview with FARRELL and FARRELL again waived his Miranda rights and agreed to provide a statement. During the interview, FARRELL stated that R.L had purchased drugs from FARRELL on multiple occasions in the past. FARRELL stated that he thought he had sold heroin, not fentanyl, to R.L. FARRELL added that he was worried about R.L ever since he learned of R.L's overdose and near death.
10. On the same date, Det. Schutzenhofer Mirandized Douglas and she agreed to provide a statement. Douglas informed Det. Schutzenhofer that she knew who R.L was and that R.L purchased drugs on an almost daily basis. Douglas added that R.L had purchased heroin the night before R.L overdosed and again the morning R.L overdosed.



Jason Rogers
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to telephonically on May 29, 2020, and I hereby find probable cause.



Peter Bray
United States Magistrate
Southern District of Texas